

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6084

BILL NUMBER: SB 14

NOTE PREPARED: Nov 8, 2002

BILL AMENDED:

SUBJECT: Whistle Blower Protections for Department of Correction Employees.

FIRST AUTHOR: Sen. Bowser

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill provides an employee of the Department of Correction who reports a violation of Department directives, policies, or other internal guidelines with protection under the state Whistle Blower Statute.

Effective Date: July 1, 2003.

Explanation of State Expenditures: Under current law, employers commit a Class A infraction if they unjustly dismiss, withhold salary increases, reassign, transfer, deny a promotion, or demote a person for reporting in writing any violations of federal, state, or local laws or regulations. This bill would also protect employees reporting in writing a violation of a rule or policy of a correctional facility.

Also under current law, the term "employer" is not defined. This bill would define an employer as a person who has the "ultimate authority" under IC 4-21.5-1-5 to dismiss, withhold salary increases, reassign, transfer, deny a promotion, or demote a person for reporting a violation.

If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class A infraction is \$10,000 which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of State Revenues:

Explanation of Local Expenditures: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected:

Information Sources:

Fiscal Analyst: Mark Goodpaster, 232-9852